IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

Tax Case Appeal No.546 of 2015

The Commissioner of Income Tax
Chennai. ... Appellant

Vs.

M/s.Tube Investments of India Limited
(Formerly known as TI Diamond Chain Ltd)
'Dare House", No.234, NSC Bose Road
Chennai 600 001. ... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order dated 23.09.2011 passed by the Income Tax Appellate Tribunal 'A' Bench in ITA No.986/Mds/2009.

For Appellant : Mrs.V.Pushpa
Senior Standing Counsel

For Respondent : Mr.K.Venkatanarayanan
for M/s.K.Subbaraya Aiyar Padmanabhan

JUDGMENT

(Delivered by R.SURESH KUMAR, J.)

At the time of admission of this appeal, the following substantial questions of law were framed.

i. Whether on the facts and circumstances of the case, the Tribunal was right in holding that the electricity charges paid to Wescare is to be allowed in the hands of the assessee?

ii. Whether on the facts and circumstances of the case, the Tribunal was right in holding that interest u/s.234D would apply only from 2004-05 even though the order of regular assessment was completed on or after 01.06.2003?

iii. Whether interest u/s 234D is to be charged as the assessment was completed for the 1st time u/s 147 r.w.S.143(3) on 28.12.2006 by which time Sec.234D had been introduced with effect from 01.06.2003 and also explanation 2 introduced thereunder which declared that it could be applicable even to assessment years commencing prior to 01.06.2003.

2. The first question of law raised in this appeal is covered by a decision rendered in assessee's own case in **Commissioner of Income Tax -vs- Tube Investments of India (P) Ltd., (2023) 150 Taxmann.com Page 186 (SC).**

3. Therefore, to that extent the first question of law is answered in favour of the assessee and against the Revenue. Insofar as the substantial questions of law 2 and 3 are concerned, they are clearly issues arising out of the first question of law. In order to answer those questions in view of the decision having been made in favour of the assessee on the first question of law, the matter is remitted back to the assessing officer.

4. With the above direction, this appeal is disposed of answering the first question of law in favour of the assessee and against the Revenue. No costs.

(R.S.K.,J.) (C.S.N.,J.)
27.08.2024

NCS : Yes/No
Index : Yes/No
KST

R.SURESH KUMAR, J.
AND
C.SARAVANAN, J.

KST

To

The Income Tax Appellate Tribunal
Madras 'A' Bench
Chennai.

T.C.A.No.546 of 2015

27.08.2024